

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

ELVIN IRIAS-ESCOTO, SELVIN PONCE-  
MARADIAGA, HECTOR ROSALES-  
MARTINEZ, and SAMMY MARADIAGA-  
ESCOTO,  
Defendants.

CASE NO. CR24-00092-KKE

ORDER CONTINUING TRIAL AND  
EXTENDING PRETRIAL MOTIONS  
DEADLINE

The Court has considered the unopposed motion to continue the trial date and extend the pretrial motions deadline and the facts and circumstances described therein, which are hereby incorporated as findings of fact, and, for the reasons stated on the record at the hearing on this date, finds that:

- (a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel the reasonable time necessary for effective preparation due to counsels' need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 1361(h)(7)B)(iv);
- (b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 1361(h)(7)(B)(i);

1 (c) the additional time requested is a reasonable period of delay as counsel for the  
2 defendants have requested more time to prepare for trial, to investigate the matter, to  
3 gather evidence material to the defense, and to consider possible defenses;

4 (d) the ends of justice will best be served by a continuance, and the ends of justice outweigh  
5 the best interests of the public and the defendants in any speedier trial, as set forth in  
6 18 U.S.C. § 3161(h)(7)(A);

7 (e) the time requested between the current trial date and the new trial date is needed to  
8 provide counsel the reasonable time necessary to prepare for trial considering counsels'  
9 schedule and all the facts set forth above; and

10 (f) the period of delay from the date of this order to the new trial date is excludable time  
11 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

12 The objections of any defendants who were not prepared to waive their rights under the  
13 Speedy Trial Act, 18 U.S.C. § 3161–3174, and did not consent to a continuance of the trial date  
14 established below are hereby overruled. It is well established that in multi-defendant cases, a  
15 reasonable trial continuance as to any defendant tolls the Speedy Trial Act period as to all joined  
16 co-defendants, even those who object to a trial continuance or refuse to submit a waiver under the  
17 Speedy Trial Act. *See United States v. Henry*, 984 F.3d 1343, 1353 (9th Cir. 2021) (“[A]n  
18 exclusion from the Speedy Trial clock for one defendant applies to all codefendants.” (cleaned  
19 up)).

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1 It is ORDERED that the trial date shall be continued to January 13, 2025, and that pretrial  
2 motions shall be filed no later than December 5, 2024.

3 Dated this 28th day of June, 2024.

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6 Kymberly K. Evanson  
7 United States District Judge  
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